

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

COMMON CAUSE NEW YORK, et al.

Plaintiffs,

-against-

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK, et al.

Defendants.

FILED  
CLERK

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U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

CV 16

6122

GARAUFIS, J.  
SCANLON, M.J.

**PLAINTIFFS' EMERGENCY MOTION  
FOR A PRELIMINARY INJUNCTION AND DECLARATORY RELIEF**

Plaintiffs Benjamin Buscher, and Sean Hennessy (collectively, the "Individual Plaintiffs") and Common Cause New York, as an organization representing voters who have been improperly purged from the voter registration rolls in New York City, (and together with the Individual Plaintiffs, the "Plaintiffs"), through their counsel, respectfully move this Court to grant Plaintiffs' motion for a preliminary injunction on an emergency basis. This Court should grant Plaintiffs' emergency motion for a preliminary injunction (i) declaring that Defendants' practice of purging voters, including the individual plaintiffs, from the voter registration rolls under New York State Election Law Section 5-402 is preempted by the NVRA; (ii) directing Defendants to reinstate Plaintiffs Buscher and Hennessey to the voter registration rolls and provide absentee ballots to them by electronic mail or, if that is impossible, by overnight mail to arrive no later than November 5, 2016, so that they may return the ballots in time to vote in the November 8, 2016 general election, (iii) directing Defendants to count the affidavit ballots of any voter who was previously registered to vote in New York City, voted in the 2012 general

election or a more recent federal election, and continues to reside in New York City; and (iv) directing Defendants to take any other steps that are necessary to ensure that any voters removed from the voter registration list in violation of Section 8 of the NVRA may vote an affidavit ballot that will be counted in the November 8, 2016 election.

In support of this Motion, Plaintiffs concurrently submit a Memorandum of Law in support of the Motion, a Proposed Order to Show Cause, and the Declaration of Mauricio A. España, which are hereby incorporated within this Motion by reference.

Dated: November 3, 2016

Respectfully submitted,

By: 

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